

09/634,723

BOYKP103US

**REMARKS**

Claims 1, 3-8, 11, 16, 21-33, and 41-48, 57 and 58 are currently pending in the subject application and are presently under consideration. Claims 48, 57 and 58 have been cancelled without prejudice or disclaimer and claims 1, 3, 5-8 and 16 have been amended herein. A complete listing of the claims showing changes made can be found at pages 2-8.

Applicant's representative thanks the Examiner for the courtesies extended during the telephone conversation on November 18, 2005. During this conversation, the Examiner agreed to cancel claims 48, 57, and 58 and consider entry of the other claim amendments. These suggested claim cancellations and amendments are believed to place the application in a better form for appeal by material reducing or simplifying the issues for appeal.

Entry of the amendments and favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

**I. Objection of Claims 48 Under 37 C.F.R. 1.75(c)**

Claim 48 is objected to under 37 C.F.R. 1.75(c). Claim 48 has been cancelled. Accordingly, this objection is moot and should be withdrawn.

**II. Rejection of Claims 57 and 58 Under 35 U.S.C. §112**

Claims 57 and 58 stand rejected under 35 U.S.C. §112. Withdrawal of this rejection is requested for at least the following reasons. Claims 57 and 58 have been cancelled without prejudice or disclaimer to simplify issues for appeal. Accordingly, this rejection is moot and should be withdrawn.

**III. Rejection of Claims 1, 3-5, 11, 16, 21-32, 41, 44-46, 48, 57 and 58 Under 35 U.S.C. §102(e)**

Claims 1, 3-5, 11, 16, 21-32, 41, 44-46, 48, 57 and 58 stand rejected under 35 U.S.C. §102(e) as being anticipated by Groat, *et al.* (US 2001/0032155 A1). Withdrawal of this rejection is requested for at least the following reasons. Groat, *et al.* does not disclose, teach or suggest each and every aspect of applicant's claimed invention.

09/634,723

BOYKP103US

A single prior art reference anticipates a patent claim only if it expressly or inherently *describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicant's claimed invention relates to a database management system to facilitate budgeting and forecasting by, for example, analyzing base data in order to characterize the impacts various factors might have upon an account, and adjusting the base data accordingly in order to make the forecast. As an exemplary illustration, the subject invention can collect sales information as base data. In addition, environmental and economic data that may have an impact upon facility performance can also be collected as base data. (See page 8, lines 12-14). Thus, by comparing this base data with other, similar base data, the impact of certain factors, such as good weather versus bad weather, and/or the effects of a holiday or a nearby convention on store sales can be characterized. (See page 31, lines 4-7). Finally, once the impact of certain factors (e.g., weather, holiday, conventions, etc.) has been characterized, this impact value can be applied to create adjusted data by applying the impact value to the base data. (See page 38, lines 3-14). For example, if it is known that a convention will be held near the facility next month, and that the impact value of a convention is an increase in sales by a certain percentage, budgeting and/or forecasting in this way can be more accurate than merely making a forecast based upon sales for a similar period. In particular, independent claim 1 recites, "a second user interface element characterizing a method component used to *derive base data* for the at least one account; a third user interface element characterizing an impact value *derived from the base data*, and adjusts the base data to provide adjusted data for the at least one account". Independent claims 22 and 41 recite limitations that are, for the purposes of this Reply, similar to independent claim 1. Groat, *et al.* does not disclose, teach, or suggest these novel features.

Groat, *et al.* relates generally to a financial status display system, and, more specifically, to a system that provides visual representations of personal financial analysis and planning. (See Fig. 1). Groat, *et al.* employs objects to both graphically illustrate and functionally calculate the relationships between various financial parameters. Among the relevant objects employed are

09/634,723

BOYKP103US

“values”, “properties”, “expressions”, “growth”, “inflow”, “pipes”, and “events”. (See paragraphs 0032-0037, 0039, 0042, and 0044). More particularly, Groat, *et al.* can use an “expression” to modify a “value”, then “inflow” the modified “value” into another object *via* a “pipe”. Hence, Groat, *et al.* expressly teaches that household income (HI) can be modified by an “expression”, which is a mathematical formula input by the user (e.g., a rate, R, of 10% of income goes into a bank account (BA)). The Examiner improperly concludes that this “expression” can be an “impact value” recited in the subject claims because the “expression” adjusts the base data to provide adjusted data (e.g.,  $BA = HI * 0.10$ , or the amount in the bank account (the adjusted data) is impacted by an “expression” that is 10% of the household income (the base data)). However, the “expression”, while it may adjust the household income to provide adjusted data, and therefore, under the Examiner’s interpretation cause an “impact”, it is not an impact value recited in the subject claims because it is not *derived from the base data*. Rather, the “expression” is based upon user input, for which the reference is silent upon how the user derives this input, and, in particular, does not teach or suggest that it is derived from base data.

Accordingly, Groat, *et al.* does not describe the identical invention in as complete detail as in the subject claims. At page 2 of the Advisory Action (dated October 31, 2005), the Examiner’s contends that:

Groat discloses various equations...Any equation defines an impact of one variable on another and the calculated quantity can be said to be derived, or based on, a function of the recited variables and constants. For example, if  $A = B * C$ , wherein B is a constant and C is a variable, then A is derived from B and C. Furthermore, the value of B or C impacts the value of A and therefore directly or indirectly contributes to an impact value in relation to A. A similar analysis can be made of the equations disclosed in Groat.

The Examiner’s analysis falls short in at least 2 ways. First, as described *supra*, suggesting that B or C have an impact on A, does not also suggest that B or C are *derived from the base data*. Hence, while B or C may create an impact, B or C are not impact values as recited by the subject claims.

09/634,723

BOYKP103US

Secondly, the Examiner has not indicated how the elements of Groat, *et al.* anticipate all the features of the subject claim. In particular, Groat, *et al.* cannot be read to simultaneously teach or suggest both base data and adjusted data as they are recited in the claims. For example, the Examiner argues that “A is derived from B and C”, which indicates that A is argued to be the base data derived by the second user interface (*e.g.*, a second user interface element characterizing a method component used to *derive base data* for the at least one account), wherein base data is “*A field indicating budget data based on applying the Method to stored data*” as defined in Table X at page 45 of the specification portion of applicant’s disclosure. In this case, A can be said to be a field indicating budget data based on applying the Method (*e.g.*, C) to stored data (*e.g.*, B), such that  $A = B * C$ . However, this interpretation leaves no element in Groat, *et al.* to represent adjusted data or an impact value derived from the base data. In the alternative, if A is argued to be the adjusted data provided by adjusting (*e.g.*, B or C) the base data (*e.g.*, a third user interface element characterizing an impact value derived from the base data, and *adjusts the base data to provide adjusted data* for the at least one account), then the reference does not provide an element to represent base data or an impact value derived from base data. In the latter case, the Examiner might argue that B is the base data and C is the impact value, but B is not disclosed by Groat, *et al.* to be “a field indicating budget data based on applying the Method to stored data”, and C is not disclosed to be derived from base data (*e.g.*, B). Regardless, A cannot be both adjusted data and base data, even though the Examiner cites the same portions of Groat, *et al.* to reject both aspects of the claim. (See Final Office Action dated August 18, 2005, page 8). Moreover, even if A is interpreted to be both at the same time, the analysis still fails because there is no impact value *derived from the base data*.

Returning to the express examples provided by Groat, *et al.* (*e.g.*,  $BA = HI * R$ , or the amount directed to the bank account is the household income \* the specified rate), the analysis is equally as straightforward. The Examiner is reading the amount directed to the bank account as the adjusted data, the household income as the base data, and the rate as the impact value. However, this rationale fails for the same reasons the Examiner’s simple example of  $A = B * C$  fails. Most particularly, the specified rate, R, is used to adjust household income, HI, but Groat, *et al.* does not teach or suggest, nor does the Examiner argue, that the rate (what the Examiner argues is the impact value) is derived from household income (what the Examiner argues is the

09/634,723

BOYKP103US

base data). Accordingly, the reference does not teach or suggest an impact value *derived from the base data*.

**IV. Rejection of Claims 6-8, 33, 42 and 43 Under 35 U.S.C. §103(a)**

Claims 6-8, 33, 42 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Groat, *et al.* (US 2001/0032155 A1). This rejection should be withdrawn for at least the following reasons. Claims 6-8 and 33 depend directly or indirectly from claims 1 and 22, respectively. Accordingly, claims 6-8 and 33 are allowable for at least the same reasons as independent claims 1 and 22, and this rejection should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [BOYKP103US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



David W. Grillo  
Reg. No. 52,970

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731